

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ALEX BLAXTON,
Plaintiff,
v.
STATE OF NEVADA, et al.,
Defendants.

Case No.: 2:23-cv-02145-RFB-BNW

ORDER

(ECF No. 1)

9 On December 27, 2023, pro se plaintiff Alex Blaxton, an inmate in the custody of
10 the Nevada Department of Corrections, submitted a complaint under 42 U.S.C. § 1983
11 and applied to proceed *in forma pauperis*. (ECF Nos. 1-1, 1). Plaintiff's application to
12 proceed *in forma pauperis* is incomplete because **the financial certificate is not**
13 **complete and Plaintiff did not include an inmate trust fund account statement for**
14 **the previous six-month period with the application.** The Court will deny Plaintiff's
15 application without prejudice and give Plaintiff the opportunity to correct these deficiencies
16 **by March 11, 2024.**

17 | I. DISCUSSION

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). As of December 1, 2023, the fee for filing a civil-rights action is \$405, which includes the \$350 filing fee and the \$55 administrative fee. See 28 U.S.C. § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.” Nev. Loc. R. Prac. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed *in Forma Pauperis* for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court’s approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the

1 inmate's prison or jail trust fund account statement for the previous six-month
2 period. See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. R. Prac. LSR 1-2. *In forma pauperis*
3 status does not relieve an inmate of his or her obligation to pay the filing fee, it just means
4 that the inmate can pay the fee in installments. See 28 U.S.C. § 1915(b).

5 As explained above, Plaintiff's application to proceed *in forma pauperis* is
6 incomplete. The Court will therefore deny Plaintiff's application to proceed *in forma*
7 *pauperis* without prejudice and grant Plaintiff an extension of time to either pay the filing
8 fee or file a new fully complete application to proceed *in forma pauperis* with all three
9 required documents.

10 **II. CONCLUSION**

11 It is therefore ordered that the application to proceed *in forma pauperis* (ECF No. 1)
12 is denied without prejudice.

13 It is further ordered that Plaintiff has **until March 11, 2024**, to either pay the full
14 \$405 filing fee or file a new fully complete application to proceed *in forma pauperis* with
15 all three required documents: (1) a completed application with the inmate's two signatures
16 on page 3, (2) a completed financial certificate that is signed both by the inmate and the
17 prison or jail official, and (3) a copy of the inmate's trust fund account statement for the
18 previous six-month period.

19 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
20 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff
21 to refile the case with the Court, under a new case number, when Plaintiff can file a
22 complete application to proceed *in forma pauperis* or pay the required filing fee.

23 The Clerk of the Court is directed to send Plaintiff Alex Blaxton the approved form
24 application to proceed *in forma pauperis* for an inmate and instructions for the same and
25 retain the complaint (ECF No. 1-1) but not file it at this time.

26 DATED THIS 11 day of January 2024.

27
28 
UNITED STATES MAGISTRATE JUDGE